

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

JAQUELINE D. WALLER,

Plaintiff,

VS.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

CASE NO. 1:12-CV-0798

OPINION & ORDER  
[Resolving Docs. No. [1](#), [18](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On April 2, 2012, Plaintiff Jaqueline D. Waller filed a complaint seeking judicial review of the Defendant Commissioner of Social Security's decision to deny her disability benefits. [Doc. [1](#).] The matter was referred to Magistrate Judge Greg White pursuant to Local Rule 72.2. On December 7, 2012, Magistrate Judge White issued a Report and Recommendation recommending that the decision of the Commissioner lacks a sufficient basis on which to conduct meaningful judicial review because the Administrative Law Judge failed to sufficiently articulate the import of Ms. Waller's physical impairments in determining that she did not have one of the listed impairments in [20 CFR 404 Subpart P](#). Accordingly, Magistrate Judge White recommended that the Commissioner's decision be reversed and remanded for additional proceedings. [Doc [18](#) at 4-9.]

The Federal Magistrates Act requires a district court to conduct a *de novo* review only of those portions of a Report and Recommendation to which the parties have made an objection. 28

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U.S.C. § 636(b)(1)(C). The Act grants parties fourteen days to file objections. Id. Failure to object within this time waives a party's right to appeal the district court's judgment. FED. R. CIV. P. 72(a); see also Thomas v. Arn, 474 U.S. 140, 145 (1985); United States v. Walters, 638 F.2d 947, 949-50 (6th Cir. 1981). Absent objection, a district court may adopt the magistrate judge's report without review. See Thomas, 474 U.S. at 149.

In this case, neither party has objected to the Magistrate Judge's recommendation. Moreover, having conducted its own review of the Report and Recommendation, record, and parties' briefs, the Court agrees with the recommendation of Magistrate Judge White that the Court vacate and remand the Commissioner's decision.

Accordingly, the Court **ADOPTS** in whole Magistrate Judge White's Report and Recommendation and incorporates it fully herein by reference, and **REMANDS** this case to the Administrative Law Judge for further proceedings.

IT IS SO ORDERED

Dated: January 3, 2013

s/ James S. Gwin  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE